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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,884	06/20/2003	Annette M. Wagner	SUNMP326	6790
32291 7590 05/04/2007 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER TRAN, MYLINH T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 05/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,884

Applicant(s)

WAGNER, ANNETTE M.

Examiner

Mylinh Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

Claims 1, 3-5, 7-19 and 21-23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-5, 7-18 and 20-22 of copending Application No. 10/600,185.

Although the conflicting claims are not identical, they are not patentably distinct from each other because traversing the main portion to a tertiary tab, wherein traversing the main portion to the tertiary tab includes opening the tertiary tray by highlighting the tertiary tab, wherein opening the tertiary tray includes displaying the tertiary tray in the mobile device display.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 7-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama [US. 2002/0035613] in view of Lynch et al. [US. 5,896,133].

As to claims 1 and 18, Hirayama teaches highlighting a first icon (figure 5A, “station” icon) in a main portion of the mobile device display (figure 5A, 2); traversing the main portion to a tertiary tab, wherein traversing the main portion to the tertiary tab (figure 5B, “my link”) includes opening the tertiary tray by highlighting the tertiary tab (figure 5C, 93), wherein opening the tertiary tray includes displaying the tertiary tray in the mobile device display (figure 5C), the tertiary tray including at least one scroll button and a second link (figure 5C, “News”); and highlighting the second icon, wherein a single navigation key is used to traverse the main portion and to highlight the second link (page 7, 0114);

Hirayama fails to clearly teach or suggest the tertiary tray being adjacent to a horizontal edge of the mobile device display and plurality of icons. However, Lynch et al. teach the tertiary tray being adjacent to a horizontal edge and the plurality of icons at figure 4E. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the plurality of icons with the teachings of Hirayama. Motivation of the combination would have been to make better view by displaying the icons.

As to claim 3, Hirayama teaches selecting the scroll button such that a third link is displayed in the tertiary tray (figure 5C). Hirayama fails to clearly teach or suggest the plurality of icons. However, Lynch et al. teach the plurality of icons at figure 4E. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the plurality of icons with the

teachings of Hirayama. Motivation of the combination would have been to improve a visualization by displaying the icons.

As to claim 4, Hirayama also teaches the scroll button including shifting the second link (figure 5C). Hirayama fails to clearly teach or suggest the plurality of icons. However, Lynch et al. teach the plurality of icons at figure 4E. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the plurality of icons with the teachings of Hirayama. Motivation of the combination would have been to improve a visualization by displaying the icons.

As to claim 5, Hirayama teaches shifting the second link including not displaying the second icon in the tertiary tray (figure 5C). Hirayama fails to clearly teach or suggest the plurality of icons. However, Lynch et al. teach the plurality of icons at figure 4E. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the plurality of icons with the teachings of Hirayama. Motivation of the combination would have been to improve a visualization by displaying the icons.

As to claim 7, Hirayama teaches opening the tertiary tray including covering at least part of the main portion of the mobile device display (figure 5C).

As to claim 8, Hirayama also teaches covering at least part of the main portion of the mobile device display including covering at least part of the first link (figure 5C). Hirayama fails to clearly teach or suggest the plurality of icons. However, Lynch et al. teach the plurality of icons at figure 4E. It would have

been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the plurality of icons with the teachings of Hirayama.

Motivation of the combination would have been to improve a visualization by displaying the icons.

As to claim 9, Hirayama teaches the tertiary tray including rearranging at least part of the main portion of the mobile device display (page 7, 0117).

As to claim 10, Hirayama teaches opening the tertiary tray including scaling at least part of the main portion of the mobile device display (page 7, 0117).

As to claim 11, Hirayama also teaches opening the tertiary tray including shifting at least part of the main portion of the mobile device display (figure 5C).

As to claim 12, Hirayama teaches selecting the second link (figure 5C, selecting "News"). Hirayama fails to clearly teach or suggest the plurality of icons. However, Lynch et al. teach the plurality of icons at figure 4E. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the plurality of icons with the teachings of Hirayama.

Motivation of the combination would have been to improve a visualization by displaying the icons.

As to claim 13, Hirayama also teaches selecting the second link initiating an application corresponding to the second link (figure 5C, selecting "News" to display an application in figure 5D). Hirayama fails to clearly teach or suggest the plurality of icons. However, Lynch et al. teach the plurality of icons at figure 4E. It would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to combine the plurality of icons with the teachings of Hirayama. Motivation of the combination would have been to improve a visualization by displaying the icons.

As to claim 14, Hirayama teaches selecting the second link closing the tertiary tray (figure 5D). Hirayama fails to clearly teach or suggest the plurality of icons. However, Lynch et al. teach the plurality of icons at figure 4E. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the plurality of icons with the teachings of Hirayama. Motivation of the combination would have been to improve a visualization by displaying the icons.

As to claim 15, Hirayama also teaches selecting the second link causing the second icon to be displayed in the main portion of the mobile device display (figure 5C).

As to claim 16, Hirayama teaches displaying the second link in the main portion of the mobile device display including removing the first icon from the main portion of the mobile device display (figure 5C, Station icon is removed from figure 5C). Hirayama fails to clearly teach or suggest the plurality of icons. However, Lynch et al. teach the plurality of icons at figure 4E. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the plurality of icons with the teachings of Hirayama. Motivation of the combination would have been to improve a visualization by displaying the icons.

As to claim 17, Hirayama teaches displaying the second link in the main portion of the mobile device display including moving the first icon in the main portion of the mobile device display (figure 5C, Station icon is removed from figure 5C). Hirayama fails to clearly teach or suggest the plurality of icons.

However, Lynch et al. teach the plurality of icons at figure 4E. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the plurality of icons with the teachings of Hirayama.

Motivation of the combination would have been to improve a visualization by displaying the icons.

As to claim 19, Hirayama also teaches the main portion including a first set of icons including the first icon and the tertiary tray including a second set of icons and wherein the first set of icons is a subset of the second set of icons (figures 5A-5D). (figure 5C, Station icon is removed from figure 5C). Hirayama fails to clearly teach or suggest the plurality of icons. However, Lynch et al. teach the plurality of icons at figure 4E. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the plurality of icons with the teachings of Hirayama. Motivation of the combination would have been to improve a visualization by displaying the icons.

As to claim 21, Hirayama also teaches the tertiary tray being not displayed until the tertiary tab is highlighted (page 7, 0114-0117).

As to claim 22, Hirayama teaches the mobile device display being included in a mobile device (figure 5C).

As to claim 23, Hirayama teaches highlighting a first icon (figure 5A, “station” icon) in a main portion of the mobile device display (figure 5A, 2); traversing the main portion to a tertiary tab, wherein traversing the main portion to the tertiary tab (figure 5B, “my link”) includes opening the tertiary tray by highlighting the tertiary tab (figure 5C, 93), wherein opening the tertiary tray includes displaying the tertiary tray in the mobile device display (figure 5C), the tertiary tray including at least one scroll button and a second link (figure 5C, “News”); and highlighting the second link, wherein a single navigation key is used to traverse the main portion and to highlight the second link (page 7, 0114); traversing the tertiary tray to highlight the scroll button (figure 5C); selecting the scroll button such that a third link is displayed in the tertiary tray (figure 5C); and selecting the third link, wherein selecting the third link initiates a corresponding application (figure 5D). Hirayama fails to clearly teach or suggest the tertiary tray being adjacent to a horizontal edge of the mobile device display and plurality of icons. However, Lynch et al. teach the tertiary tray being adjacent to a horizontal edge and the plurality of icons at figure 4E. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the plurality of icons with the teachings of Hirayama. Motivation of the combination would have been to make better view by displaying the icons.

Response to Arguments

Applicant's arguments with respect to claims 1, 18 and 23 have been considered but are moot in view of the new ground of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:


571-273-8300

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179


WEILUN LO
SUPERVISORY PATENT EXAMINER